

REMARKS

The above-referenced patent application has been reviewed in light of the Final Office Action dated **August 13, 2004** (hereafter, the Action). Applicant respectfully requests reconsideration of the above referenced application as amended. Claims 1-5 and 7-32 remain in the application. No claims have been amended or canceled in this response.

Preliminary Issues:

In the Action, claims 1-5 and 7-29 are listed as rejected. However, Applicant previously entered an amendment to the claims following a Non-Final Office Action dated February 11, 2004. That amendment included new claims 29-32. In the Action, there is no indication that claims 30-32 have been examined by the Examiner. Accordingly, Applicant respectfully submits that Examiner acknowledges entry of all the new claims submitted and either accepts or provides a reason for rejection of these claims.

Claim Rejections – 35 U.S.C. § 102:

On page 2 of the Action, claims 1-4, 7-13, 15-20, 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson et al. (hereafter “Jackson”). The rejection of these claims on the above stated grounds is respectfully traversed.

Claim 1, as currently amended, states:

A modular server system, comprising:

a midplane having a system management bus and a plurality of blade interfaces on the midplane, wherein the blade interfaces are in electrical communication with each other;....

Emphasis added.

The Action provides that the rejected claims do not define any structure that differs from Jackson. In particular the Action states that with regard to claim 1, Jackson discloses a “modular server system, comprising: a midplane (320 for example) having a system management bus...” Applicant respectfully disagrees.

As is well-established, to make out a *prima facie* case of anticipation, the Action must show that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. In the present case, Applicant respectfully submits that the Action fails to point to where Jackson teaches a system management bus on the midplane and that Jackson indeed fails to disclose such a bus on the midplane.

To the extent that through plane (130), whether or not combined with midplane sub-frame (320), could be construed as a midplane as recited in claim 1, which Applicant does not concede, Jackson nevertheless fails to disclose a midplane having a system management bus. Applicant’s respectfully disagree with the Examiner’s statement that it is “clear at least from Figs. 15 and 16 of Jackson et al., that when the through plane (130) is attached to the midplane (320) a system management bus is established and supported by midplane (320).” See Action, page 6.

Jackson discloses a metal midplane sub-frame (320) containing apertures (312) and mechanically attached to sub-chassis (129). See column 12, lines 45-47. Jackson also discloses that through plane (130) contains connectors (302) for the control [of] peripherals signals common to each engine blade to enable engine blades (132) to share common peripherals. See

columns 11 & 12, lines 65-68 and 1-6, respectively. Further, Jackson discloses that through plane (130) and midplane sub-frame (320) “allow for the support and connection of fan trays...” See column 12, lines 47-49. Applicants respectfully submit that midplane sub-frame (320) and through plane (130) only allow for the controlling of shared peripherals and providing support and connection of fan trays. Accordingly, Jackson does not teach or disclose a midplane having a system management bus in either Figs. 15 and 16 or the description of Figs. 15 and 16.

Applicant respectfully asserts that, based on the rationale articulated above, the Action has not established a *prima facie* case of anticipation to support the rejection of claim 1 under 35 U.S.C. § 102(e). Therefore, for at least the foregoing reasons, it is respectfully requested that the Examiner withdraw rejection of claim 1.

Independent claims 12 and 19 also include similar elements to claim 1. In particular, claims 12 and 19 contain the element of a “midplane having a system management bus.” Claims 12 and 19 are patentable over the cited reference for at least the same reasons as those presented for claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw rejection of claims 12 and 19.

Applicant notes that claims 2-4, 7-11, 13, 15-18, 20 and 22-29 each depend from one of patentable base claims 1, 12 or 19. As a result, in addition to any independent bases for patentability, Applicant respectfully submits that claims 2-4, 7-11, 13, 15-18, 20 and 22-29 are patentable over the cited reference by virtue of at least this dependence. Thus, Applicant respectfully requests that the 35 U.S.C. 102(e) rejections of these claims be withdrawn.

Claim Rejections – 35 U.S.C. § 103:

On page 4 of the Action, claims 5, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson in view of the CompactPCI or cPCI board/form factor. The rejection of these claims on the above stated grounds is respectfully traversed.

The Action cannot establish a *prima facie* case of obviousness without establishing that the cited references teach or suggest all the claim limitations included by the Applicant. See MPEP § 706.02(j). As mentioned above for independent claims 1, 12 and 19, the cited patent of Jackson does not teach or suggest the common element of a “midplane having a system management bus.” Further, claims 5, 14, and 21 depend from patentable base claims 1, 12 and 19, respectively. As a result, in addition to any independent bases for patentability, Applicant respectfully submits that claims 5, 14, and 21 are patentable over the cited references by virtue of at least this dependence.

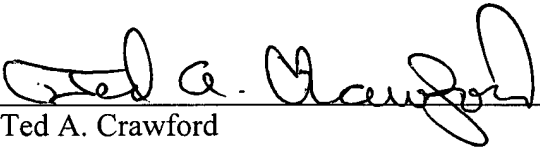
Applicant respectfully asserts that, based on the rationale articulated above, the Action has not established a *prima facie* case of obviousness to support the rejection of claims 5, 14 and 21 under 35 U.S.C. § 103(a). Therefore, for at least the foregoing reasons, it is respectfully requested that the Examiner withdraw rejection of these claims.

Conclusion

For at least the foregoing reasons, Applicants respectfully submit that claims 1-5 and 7-32, are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Respectfully submitted,
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Dae: 10-13-04

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